REMARKS

Claims 9-21 are before the Examiner. Claims 9-11 and 13-17, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Akki et al. (US 6,020,034) in view of Ellison (US 6,399,193).

The Examiner argues that:

> Akki teaches that the coating may be used with a clear coat finish (col 9, lines 14+), but does not teach said clear coat may be an ionomer. However, Ellison teaches a surface laminate for use with metal automobile panels (col 1, lines 12+). The laminate comprises a colour coat and a clear coat (col 1, lines 59+). The clear coat provides the first line of defence from environmental attack by UV rays, etching from acid rain, chipping from stones, marring, gouging, abrasion, staining and discoloration and other deleterious materials that come in contact with automobile exteriors (col 4, line 18+). The clear coat may comprise SURLYN, and ethylene acrylic acid ionomer (col 4, line 55). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a SURLYN clear coat on the metal laminate taught by Akki. The motivation for doing so would have been because Ellison teaches SURLYN is useful as a clear coat composition for the exterior of automobiles due to its ability to provide a defence from environmental attack by UV rays, etching from acid rain, chipping from stones, marring, gouging , abrasion, staining and discoloration and other deleterious material that come in contact with automobile exteriors.

Claim 9 requires that the metal substrate be formable and that it have a pigmented layer at least partially disposed on it. A transparent ionomer layer must be at least partially disposed on the pigmented ionomer layer.

A "formable" metal substrate according to the definition on page 4 is "a material that is not shaped or formed, but is capable of being shaped or formed...." Akki is directed to a process for imparting corrosion and creep resistance to polymer compositions. Akki neither discloses nor suggests applying an ionomer or any other layer to unformed articles or parts. Pre-formed "vehicles bodies" are specifically mentioned (col. 9, l. 48).

Ellison describes laminated sheets for covering painted plastic or metal automobile panels. The laminated sheets have at least three layers: a protective clear coat; a base colour and adhesive coat; and a support layer. Ionomer is mentioned as one of many options only for the clear coat. This layer is not even in contact with the substrate.

Applicants submit that the mere mention of ionomer in Ellison does not provide any motivation to combine pigmented and clear ionomer layers on formable metal substrate per Applicant's claims.

Applicants thus respectfully submit that the Examiner has not presented a prima facia case of obviousness in that one would not be motivated to use two ionomers, one clear and one pigmented, on a formable metal substrate as required by the instant claims. Withdrawal of the rejections is therefore, respectfully requested.

Claims 12 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Akki et al in view of Elliston as applied above and further in view of Kordomenos et al. (US 4,491,641)

It should be noted that Kordomenos specifically teaches applying its epoxy ester resin coating to an "unpolished metal surface of an automotive vehicle body", i.e., a preformed substrate. (Col. 3, lines 6 and 7). There is no disclosure within Kordomenos to suggest treatment of anything but preformed substrates, and there is no disclosure that would motivate one to use ionomers either pigmented or transparent, much less both. So in this sense, Kordomenos teaches away from the instant claims, and withdrawal of the rejections is respectfully requested.

Claims 9-11, 13-17, 19, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Akki in view of JP 03-126777 (Mitsui).

Mitsui is cited for teaching a clear coating composition excellent in acid resistance, coating film appearance, and weatherability.

Applicants submit that there is no motivation generally or specifically in either Akki or Mitsui to combine pigmented ionomer and transparent ionomer. Akki's particulate polymer compositions are intended to provide all of the necessary protection to the substrate and there is no motivation to apply any further coating. Furthermore, none of the references suggest applying ionomer to formable metal substrates.

For these reasons, Applicants submit that the claims are nonobvious over Akki in view of Mitsui.

Claims 12 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Akki in view of JP 03-126777 ('Mitsui) and further in view of Kordomenos et al (US 4,491,641).

Applicants note that when Akki and Ellison describe automotive body parts, they are referring to shaped and formed parts as opposed to the "formable" i.e., not shaped or formed parts required by the claims.

Kordomenos fails to provide any motivation to combine pigmented and transparent ionomer layers on a formable metal substrate whether polished or not with or with out a tie layer.

For these reasons, Applicants submit that the pending claims are both novel and nonobvious and are in condition for allowance.

Respectfully submitted,

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